



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MARCH 9, 1995

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

MEMORANDUM

SUBJECT: Regulatory Interpretation:  
Tank Lining Inspection Frequency Requirement

FROM: Lisa C. Lund, Acting Director /s/  
Office of Underground Storage Tanks

TO: Patricia Tan, Chief  
Underground Storage Tank Section (3HW63)  
Region 3

This memorandum responds to an inquiry from the Virginia Department of Environmental Quality (VDEQ; copy attached) requesting clarification of the initiation date for the 10-year inspection and subsequent 5-year inspections of an underground storage tank (UST) properly lined before the December 22, 1988 effective date of the UST technical regulations. Specifically, VDEQ asked whether the 10-year period referenced at 40 CFR 280.21 (b)(1)(ii) begins when the tank was first properly lined or on the effective date of the regulations.

An existing UST owner/operator may comply with 40 CFR 280.21's upgrading requirements (which must take place no later than December 22, 1998) using the interior lining option (combined with the piping and spill and overfill upgrade requirements) if " **within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications** " (40 CFR 280.21 (b)(1)(ii) with emphasis added). By use of the words "after lining," the regulations clearly require that in order to be considered properly upgraded all such tanks, whether lined prior to or following the effective date of the regulations, must be inspected within the initial 10-year period after lining, followed by subsequent inspections at 5-year intervals. A lining which is not inspected in accordance with these requirements will not meet the requirements for upgrading existing systems.

For example, a tank properly lined in accordance with an existing industry standard or code of practice (such as API 1631 or NLPA 631) in May 1985, will require inspection on or before the same date of May 1995. Within five years of the initial 10-year inspection, the next inspection is due, followed by subsequent inspections within five years of each previous inspection. This upgrade may be used in conjunction with piping, spill and overflow upgrade requirements as long as the internal lining inspections indicate that the lining continues to perform in accordance with original design specifications.

According to the preamble of 40 CFR 280, interior lining, when used as the sole method of corrosion protection, is not considered a permanent upgrade. However, it is adequate as long as the lining continues to meet original design specifications as determined by periodic inspections. Therefore, it is technically necessary to inspect the lining according to the previously mentioned timetable regardless of whether the tank was lined before or after December 22, 1988. This technical position is consistent with NLPA Standard 631 (Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks), which requires an initial inspection within 10 years of tank lining followed by subsequent inspections not exceeding every 5 years.

If there are additional questions, please call Paul Miller of my staff at (703) 308-7242.

#### Attachment

cc: ASTSWMO UST Task Force  
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